

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

RAKEEM GALLOP,)	
)	
Movant,)	
)	
v.)	CV417-242
)	CR415-183
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

Rakeem Gallop pled guilty to one count of possession of a firearm by a convicted felon in violation of 18 U.S.C. §§ 922(g)(1) & 924(a)(2) 846, CR415-183 at doc. 23, and was sentenced to 92 months' imprisonment, *id.* at doc. 26. The judgment included the district judge's "recommendation" that Gallop be given credit towards his federal sentence for "all time served in custody since January 27, 2015." *Id.* at 2. The Bureau of Prisons, however, has not given him credit for that time served because it was merely a "recommendation" and not an "order." Doc. 30. He has thus filed a flurry of motions seeking Court intervention to order the BOP to reconsider its calculation, including a 28 U.S.C. §2255 motion to vacate, set aside, or correct his sentence. *See* CR415-183 at docs. 28-31 & 33.

But § 2255 offers Gallop no succor here. That section only applies to challenge the propriety of the federal conviction or sentence itself (*i.e.*, whether he was misled when he pleaded guilty or whether the sentence violated the plea bargain). He does not challenge his sentence, only its execution. Thus, he must proceed under 28 U.S.C. § 2241, which asks whether his federal sentence has been properly executed. *See, e.g.*, *United States v. Kinsey*, 393 F. App'x 663, 664 (11th Cir. 2010). And this Court is not the proper forum for that claim.

Gallop is incarcerated at Federal Penitentiary Big Sandy in Martin County, Kentucky. “Section 2241 petitions may be brought only in the district court for the district in which the inmate is incarcerated.” *Fernandez v. United States*, 941 F.2d 1488, (11th Cir. 1991) (emphasis added); *Kinsey*, 393 F. App'x at 664 (“Unlike § 2255 motions, motions made pursuant to § 2241 must be brought only in the district court for the district in which the inmate is incarcerated.” (quotes and cite omitted)); *Williams v. Rivera*, 2011 WL 7005735 at * 1 (S.D. Ga. Dec. 11, 2011) (collecting cases). Accordingly, the Clerk is **DIRECTED** to transfer Gallop’s case to the Eastern District of Kentucky. 28 U.S.C. § 113(a) (Martin County falls within the Eastern District).

SO ORDERED, this 19th day of October, 2018.

Jan E. Fort
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA